

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Baraga, Michigan)

)
)
)
)
)

MB Docket No. 14-
RM-_____

Accepted/Filed

MAY - 6 2014

Directed to: Office of the Secretary
Attention: Chief, Audio Division, Media Bureau

FCC Office of the Secretary

PETITION FOR RULEMAKING

Keweenaw Bay Indian Community ("KBIC"), by its attorneys, hereby respectfully submits its Petition for Rule Making to amend the Table of Allotments for FM Broadcast Stations to allot Channel 293C1 to Baraga, Michigan pursuant to the Commission's Section 307(b) Tribal Priority. As discussed in more detail below, the proposed allotment of Channel 293C1 to Baraga pursuant to the Tribal Priority, including the limited waiver requested herein, would serve the public interest.

As set forth in the attached Engineering Statement, the allotment of Channel 293C1 at Baraga can be made in accordance with Commission rules and policies. The proposed allotment site is fully-spaced to all domestic concerns, and city grade service will be provided to the entire proposed community of license. The proposed allotment would not require any change to the channel assignment of any existing licensee or permittee. Concurrently herewith, KBIC is filing an application on FCC Form 301 for a construction permit for the Channel 293C1 allotment at Baraga, and that application is also in accordance with the Commission's rules and policies.¹ If this allotment is made, KBIC will prosecute its application filed concurrently with its petition. In

¹ A copy of that application is attached at Attachment B hereto and has been assigned FCC File No. CDBS-20140506AAW.

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MB Audio 14-7

addition, if KBIC is granted a construction permit for Channel 293C1 at Baraga, it will promptly construct the facilities authorized.

Grant of the instant petition would result in a first local Tribal-owned service for the community of Baraga. Baraga clearly qualifies as a community for allotment purposes, and has previously been recognized as a community by the Commission. The Village of Baraga was incorporated in 1891 and, as of the 2010 United States Census, had a population of 2,053.² Non-commercial FM radio station WVCN(FM) (Facility ID No. 81363) is also licensed to Baraga.³ The proposed Channel 293C1, however, would be the first Tribal-owned service and the sole commercial service at Baraga.

With the limited waiver requested herein, KBIC satisfies the Commission's qualifications for a Tribal Priority, as set forth in the *Third Report and Order* and in Note 5 to Section 73.3573 of the Commission's Rules.⁴ The *Third Report and Order* and Note 5, in relevant part, set forth the following qualifications for the Tribal Priority:

- (a) The applicant is either a federally recognized Tribe or Tribal consortium, or an entity 51 percent or more of which is owned or controlled by a Tribe or Tribes. [and the] Qualifying Tribes or Tribal entities must be those at least a portion of whose Tribal Lands lie within the principal community contour of the proposed facility.

² See http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml; Baraga Township, which encompasses the Village of Baraga, had a 2010 population of 3,815.

³ See BOA-20120720ACL, BOA-20120720ACI. WVCN(FM) was originally allotted as a commercial station, but has since converted to non-commercial status. See BMLED-20021230AAC, granted March 12, 2003.

⁴ Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures, *Third Report and Order*, 26 FCC Rcd 17642 (2011); 47 C.F.R. § 73.3573, Note 5.

- (b)(1) at least 50 percent of the area within the proposed principal community contour is over that Tribe's Tribal Lands, or
- (b)(2) the proposed principal community contour:
 - (i) encompasses 50 percent or more of that Tribe's Tribal Lands,
 - (ii) serves at least 2,000 people living on Tribal Lands, and
 - (iii) the total population on Tribal Lands residing within the proposed service contour constitutes at least 50 percent of the total covered population
- (c) the proposed community of license must be located on Tribal Lands; and
- (d) the proposed service must constitute first or second aural (reception) service, or first local Tribal-owned commercial transmission service at the proposed community of license.

Subject to the limited waiver of qualification (b)(2)(iii) requested herein, the KBIC satisfies these requirements and qualifies for the Tribal Priority. The KBIC is a federally recognized Tribe.⁵ The proposed community of license of Baraga is located within the borders of the L'Anse Indian Reservation, the Tribal Lands of the KBIC. As noted above, the proposed service would be the first Tribal-owned service at Baraga. While WVCN(FM) is licensed to Baraga, that station is not owned by a qualifying Tribe or Tribal Entity.

The KBIC hereby requests waiver of Section (b)(2)(iii) or (b)(1) of the Commission's "threshold qualifications" to allow it to qualify for the Tribal Priority. The proposed allotment at Baraga satisfies Sections (b)(2)(i) and (b)(2)(ii) of those qualifications. As shown in the "Section 307(b) Tribal Reservation Showing" included with the attached Engineering Statement, the proposed 70 dBu contour would cover almost 80% of the KBIC's Tribal Lands, including

⁵ See Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs, 75 FR 60810, 60811 (Oct. 1, 2010).

almost 3,600 people living on those lands. The proposed 70 dBu contour will not cover the Tribal Lands of any Tribe other than the KBIC. As also demonstrated in the Engineering Statement, however, the total population of Tribal Lands within the proposed station's service area does not constitute 50 percent of the proposed station's total service area population. The Tribal Lands also do not constitute 50 percent of the total area within the proposed principal community contour. For the reasons set forth below, waiver of this requirement to allow allotment of Channel 293C1 pursuant to the Tribal Priority would serve the public interest.

The Commission will grant waiver requests upon a showing of good cause.⁶ To support a waiver request, the Applicant must demonstrate that "the particular facts make strict compliance inconsistent with the public interest if applied to petitioner and when the relief requested would not undermine the policy objective of the rule in question."⁷ Moreover, the Commission's staff must give all waiver requests the requisite "hard look."⁸

In establishing the Tribal Priority, the Commission desired to "enhance the ability of...Tribes...not only to receive radio service tailored to their specific needs and cultures, but to increase ownership of such radio stations by Tribes."⁹ In recognition of the "sovereign rights of Tribes" and the unique relationship between the United States government and those Tribes, the "threshold qualifications" were designed to accommodate the needs of Tribes, as well as the

⁶ 47 C.F.R. §1.3 (2011).

⁷ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969); *aff'd*, 459 F.2d 1203 (1972) *cert. denied*, 409 U.S. 1027 (1972) (citing *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664 (D.C. Cir. 1968)); See also *Birach Broadcasting Corporation*, 18 FCC Rcd 1414 (2003); *Family Stations, Inc. v. DirecTV, Inc.*, 17 FCC Rcd 25,333 ¶ 7 (2002).

⁸ See *WAIT Radio*, *supra* nt. 6.

⁹ *Third Report and Order*, 26 FCC Rcd at 17642.

Commission's long-standing policies of facilitating and expediting new radio service.¹⁰ Grant of the requested waiver would accomplish these goals.

Grant of the requested limited waiver would allow the KBIC to expeditiously deliver a radio service tailored to the needs and interests of KBIC members living on and around the KBIC's Tribal Lands. In addition to routine coverage of news stories and other issues arising in Baraga and on the L'Anse reservation, KBIC intends to include the program *Native News* in the station's daily programming. This program is not otherwise available to listeners in and around Baraga. KBIC will also broadcast two hours of indigenous music every Saturday evening on the station. This program service will be received not only by Tribe members living on the Tribal Lands, but also by those living in surrounding areas. The proposed service area will also allow listeners to receive the proposed station's programming while commuting and traveling in the rural areas surrounding the Tribal Lands.

Grant of the requested waiver will allow the KBIC to enhance the services it currently provides to residents throughout the service area but outside of the Tribal Lands. The entire area served by the station will be within the lands originally ceded to the United States by the Chippewa Indians of Lake Superior. The KBIC already provides services to numerous Tribal members and non-members living in these areas. KBIC's Natural Resources Department administers natural resource programs throughout the area, including Lake Superior fisheries assessments, Baraga county stream assessments, water monitoring, wildlife and wetland management, and environmental assessments.¹¹ Through its Donald A. LaPointe Health and Education Center, the KBIC's Department of Health and Human Services provides medical

¹⁰ *Id.* at 17643.

¹¹ See <http://nrd.kbic-nsn.gov/>.

services to residents of the service area.¹² The KBIC also operates the Keweenaw Bay Ojibwa Community College, providing educational services to Tribal members and non-members throughout the area.¹³

The proposed service area will also allow the station to provide critical information, including emergency alerts to residents of the area around the unincorporated community of Zeba, which is within the borders of the L'Anse Tribal Lands. Residents of this area are currently unable to receive wireless telephone service from any provider. As a result, it is critically important for these individuals to be able to receive over-the-air radio service that can deliver local news and information, including critical and time-sensitive information in the event of a disaster or other emergency.

While the proposed station's service area would encompass an area large enough to necessitate waiver of either section (b)(1) or (b)(2)(iii) of the "threshold qualifications," the proposed service area also would allow the KBIC to initiate service as quickly and effectively as possible. The proposed facilities would allow KBIC to install the station's antenna on a tower replacing a tower that KBIC already owns, thus avoiding certain costs and other issues raised by leasing or construction of a tower at a new site. This existing tower site is located northwest of Baraga and, as a result, to allow the proposed service area to encompass Baraga, and as much of the Tribal Lands as possible, that service area must necessarily encompass significant areas outside of the Tribal Lands. Indeed, due to the size of the Tribal Lands, any proposed Class C1 allotment, regardless of its location, would result in a service area more than 50% of which was outside the Tribal Lands. Nor can KBIC's proposal be seen as an attempt to take advantage of the Tribal Priority to obtain a station that will serve a major urbanized area under the pretense of

¹² See <http://www.kbic-nsn.gov/content/health-and-human-services>.

¹³ See <http://kbocc.org/index/home/>.

serving Tribal Lands. Indeed, there are no urbanized areas in or even near the proposed service area of the station, which is on the sparsely populated Upper Peninsula of Michigan.

WHEREFORE, the premises considered, KBIC respectfully requests that the Commission grant its petition and allot Channel 293C1 to Baraga, Michigan pursuant to the Commission's Section 307(b) Tribal Priority.

Respectfully submitted:

KEWEENAW BAY INDIAN COMMUNITY

By: 

Harry C. Martin

Daniel A. Kirkpatrick

Its Attorneys

FLETCHER, HEALD & HILDRETH, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
(703) 812-0400

May 6, 2014

ATTACHMENT A
ENGINEERING STATEMENT

ENGINEERING STATEMENT

for

NEW-293C1 – Baraga, MI
CH293C1 (106.5 MHz)

Rulemaking (Form 301-FM) for a New FM Station for the
Community of Baraga, MI & Section 307(b) Tribal Priority
Reservation Preference for

The Keweenaw Bay Indian Community
as authorized under the

Policies to Promote Rural Radio Service and to
Streamline Allotment and Assignment Procedures,
Third Report and Order, 26 FCC Rcd 17642 (2011)

April, 2014

CERTIFICATION OF ENGINEERS

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 385 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of the laws of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

April 4, 2014

385 Airport Drive, PO Box 220
Coldwater, Michigan 49036

Telephone: 517-278-7339

MUNN-REESE, INC.

By Wayne S. Reese
Wayne S. Reese, President

By Justin W. Asher
Justin W. Asher, Project Engineer

MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

ENGINEERING STATEMENT

This firm was retained to prepare this Engineering Statement in support of an Original Form 301-FM filing for a Petition for a Rulemaking for a New FM Station (NEW-293C1 – Baraga, MI) under the Section 307(b) Tribal Priority Reservation Preference. Pursuant to Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures, *Third Report and Order*, 26 FCC Rcd 17642 (2011), the proposed NEW-293C1 – Baraga, MI facility may be reserved for use by the Keweenaw Bay Indian Community under the revised preference provisions of Section 307(b). Baraga, MI is located inside of the L'anse, MI, American Indian Reservation Land presently entrusted to the Keweenaw Bay Indian Community.

Class C1 operation for the NEW-293C1 – Baraga, MI facility is proposed from ASR #1037312. A correction of coordinates of approximately 10 seconds is requested for ASR #1037312 along with a physical increase and new construction in tower height from 403 feet AGL to 500 feet AGL. NEW-293C1 operating parameters of 100.0 kW ERP (H&V) at 438 meters AMSL are requested. As stated before, the new facility will serve the community of Baraga, MI.

The proposed site for the Class C1 operation meets all domestic and international spacing requirements of 47 C.F.R. §73.207 toward other stations in the allocation with the exception of ALLO293C – Thunder Bay, Ontario, Canada. International short-spaced processing toward ALLO293C has been requested. Full protection will be afforded ALLO293C as the calculated Interference Area will not reach Canadian Soil. A directional antenna pattern has been proposed.

The proposed parameters will result in a 70 dB μ F(50:50) (3.16 mV/m) contour covering 3,599 people or 98.8% of the total 3,644 people residing within the L'anse Tribal Reservation Land. The proposed parameters will also result in a 70 dB μ (3.16 mV/m) contour covering 191.92 km² or 79.4% of the total 241.86 km² land area (adjusted for water) of the L'anse Tribal Reservation Land.

The proposed service contour has been calculated in accordance with the Rules, and the data obtained has been tabulated and plotted in this report. The plotted contours are found in the attached map of this report. This exhibit shows the 70 dB μ F(50:50) (3.16 mV/m) contour which serves the L'anse Tribal Reservation Land. The plotted contour is based on the use of a full 360 terrain radials. The applicant would like to note the use of the NED 03 SEC terrain database for the calculations contained here-in. In addition, population and Tribal Reservation Land boundaries have been taken from 2010 U.S. Census data.

Terrain
180 600 m

NED 03 SEC Terrain Database
US Census 2010 PL Database

Section 307(b) Tribal Reservation Showing

AMERICAN INDIAN
RESERVATION LAND (Federal)

L'Anse Indian Reservation Land
Total Population: 3,044
Land Area: 241.88 km²

70 dBm Contour of Reservation:
Population: 3,009 (98.8%)
Land Area: 181.82 km² (75.0%)
*Adjusted by Lake Superior

NEW-CH293C1.P

ONTONAGON

L'ANSE

NEW-CH293C1.P
Baraga, MI
Proposed Rulemaking
Latitude: 47-06-03 N
Longitude: 088-33-55 W
ERP: 100.00 kW
Channel: 293C1
Frequency: 106.5 MHz
AMSL Height: 438.0 m
Horiz. Pattern: Directional

70 dBm Contour
Total Population: 45,582
Total Area: 5,032 sq. km



Scale 1:550,000
0 7 14 21 km

ATTACHMENT B

CONSTRUCTION PERMIT APPLICATION
FCC FILE NO. CDBS-20140506AAW

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0027 (July 2011)	FOR FCC USE ONLY
FCC 301		
APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION		FOR COMMISSION USE ONLY FILE NO. - 20140506AAW
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Applicant KEWEENAW BAY INDIAN COMMUNITY		
	Mailing Address 16429 BEARTOWN RD.		
	City BARAGA	State or Country (if foreign address) MI	ZIP Code 49908 -
	Telephone Number (include area code) 9063537031	E-Mail Address (if available)	
	FCC Registration Number: 0004993762	Call Sign	Facility ID Number 197992
2.	Contact Representative (if other than Applicant) HARRY C. MARTIN, ESQUIRE		
	Firm or Company Name FLETCHER, HEALD & HILDRETH, P.L.C.		
	Mailing Address 1300 N. 17TH ST. 11TH FLOOR		
	City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22209 - 3801
	Telephone Number (include area code) 7038120400	E-Mail Address (if available) MARTIN@FHHLAW.COM	
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):		
	<input type="radio"/> Governmental Entity <input type="radio"/> Other <input checked="" type="radio"/> N/A (Fee Required)		
4.	Application Purpose		
	<input type="radio"/> New station		
	<input type="radio"/> New Station with Petition for Rulemaking or Counterproposal to Amend FM Table of Allotments		
	<input checked="" type="radio"/> New Station with Petition for Rulemaking or Counterproposal to Amend FM Table of Allotments using Tribal Priority		
	<input type="radio"/> Major Modification of construction permit		
	<input type="radio"/> Minor Modification of construction permit		
	<input type="radio"/> Major Amendment to pending application		
	(a) File number of original construction permit:		
	- <input type="checkbox"/> NA		
	(b) Service Type:		
	<input type="radio"/> AM <input checked="" type="radio"/> FM <input type="radio"/> TV <input type="radio"/> DTV <input type="radio"/> DTS		
	(c) DTV Type:		
	<input type="radio"/> Pre-Transition <input type="radio"/> Post-Transition <input type="radio"/> Both		
	(d) Community of License:		
	City: BARAGA		
	(e) Facility Type		
	State: MI		
	<input checked="" type="radio"/> Main <input type="radio"/> Auxiliary		

If an amendment, **submit as an Exhibit** a listing by Section and Question Number the portions of the pending application that are being revised.

[Exhibit 1]

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

1.	Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No										
2.	Parties to the Application. a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.											
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> (1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners. </div> <div style="width: 48%;"> (2) Citizenship. (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc. (4) Percentage of votes. (5) Percentage of total assets (equity plus debt). </div> </div> <p>[Enter Parties/Owners Information]</p>												
Parties to the Application												
<p>List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.</p> <p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners. (2) Citizenship. (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc. (4) Percentage of votes. (5) Percentage of total assets (equity plus debt).</p>												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 48%;">(1) Name and Address</th> <th style="width: 12%;">(2) Citizenship</th> <th style="width: 12%;">(3) Positional Interest</th> <th style="width: 12%;">(4) Percentage of Votes</th> <th style="width: 16%;">(5) Percentage of Assets</th> </tr> </thead> <tbody> <tr> <td>KEWEENAW BAY INDIAN COMMUNITY, 16429 BEARTOWN ROAD, BARAGA, MI 49908</td> <td>NA</td> <td>APPLICANT</td> <td>0</td> <td>0</td> </tr> </tbody> </table>			(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets	KEWEENAW BAY INDIAN COMMUNITY, 16429 BEARTOWN ROAD, BARAGA, MI 49908	NA	APPLICANT	0	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets								
KEWEENAW BAY INDIAN COMMUNITY, 16429 BEARTOWN ROAD, BARAGA, MI 49908	NA	APPLICANT	0	0								

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
MICHAEL F. LAFERNIER, SR., 15777 HAATAJA ROAD, L'ANSE, MI 49946	US	COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
SUSAN J. LAFERNIER, 15777 HAATAJA ROAD, L'ANSE, MI 49946	US	COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
WARREN C. SWARTZ, JR. 15965 MISSION ROAD, BARAGA, MI 49908	US	COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
ELIZABETH MATTHEWS, 16123 ZEBA ROAD, L'ANSE, MI 49946	US	COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
JENNIFER MISEGAN, 18241 SKANEE ROAD, L'ANSE, MI 49946	US	COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
ROBERT R.D. CURTIS, JR., 719 MIGIZI MIIKANA, BARAGA, MI 49908	US	COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
CAROLE L. LAPOINTE, 302 YOUNG STREET, BARAGA, MI 49908	US	VICE CHAIRWOMAN, COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
DON MESSER, JR., 312 MCGILLAN STREET, BARAGA, MI 49908	US	COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
JEAN JOKINEN, 15210 NORTH JOHNSON ROAD, L'ANSE, MI 49946	US	SECRETARY, COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
DONALD SHALIFOE, SR., 14518 KAUPPINEN DR., BARAGA, MI 49908	US	OGIMAA (CHAIRMAN),	8	0

		COUNCIL MEMBER		
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
GARY LOONSFOT SR., 13167 DEMOCRACY DRIVE, BARAGA, MI 49908	US	ASSISTANT SECRETARY, COUNCIL MEMBER	8	0
(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of Assets
EDDY EDWARDS, 15603 SKANEE ROAD, L'ANSE, MI 49946	US	TREASURER, COUNCIL MEMBER	8	0
b. Applicant certifies that equity and financial interests not set forth above are non-attributable.			<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 2]	
3. Other Authorizations. List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest.			<input type="checkbox"/> N/A [Exhibit 3]	
4. Multiple Ownership.				
a. Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio or television time brokerage agreement in the same market as the station subject to this application?			<input type="radio"/> Yes <input checked="" type="radio"/> No [Exhibit 4]	
If "YES," radio applicants must submit as an Exhibit a copy of each such agreement for radio stations.				
b. Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules and cross-ownership rules.			<input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 5]	
Radio applicants only: If "Yes," submit an Exhibit providing information regarding the market, broadcast station(s), and other information necessary to demonstrate compliance with 47 C.F.R. § 73.3555(a).				
All Applicants: If "No," submit as an Exhibit a detailed explanation in support of an exemption from, or waiver of, 47 C.F.R. § 73.3555.				
c. Applicant certifies that the proposed facility:			<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]	
(1) does not present an issue under the Commission's policies relating to media interests of immediate family members;				
(2) complies with the Commission's policies relating to future ownership interests; and				
(3) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.				
d. Does the Applicant claim status as an "eligible entity," that is, an entity that qualifies as a			<input type="radio"/> Yes <input checked="" type="radio"/> No	

	<p>small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. § 121-201), and holds:</p> <p>(1) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or</p> <p>(2) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or</p> <p>(3) more than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)?</p> <p>All applicants: If "Yes," submit as an Exhibit a detailed showing demonstrating proof of status as an eligible entity.</p>	See Explanation in [Exhibit 7]
5.	<p>Character Issues. Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with:</p> <p>a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>b. any pending broadcast application in which character issues have been raised.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 8]</p>
6.	<p>Adverse Findings. Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 9]</p>
7.	<p>Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 10]</p>
8.	<p>Program Service Certification. Applicant certifies that it is cognizant of and will comply with its obligations as a commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
9.	<p>Local Public Notice. Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
10.	<p>Auction Authorization. If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.</p> <p>An exhibit is required unless this question is inapplicable.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> N/A</p> <p>[Exhibit 11]</p>
11.	<p>Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
12.	<p>Equal Employment Opportunity (EEO). If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> N/A</p>
13.	<p>Petition for Rulemaking/Counterproposal to Add New FM Channel to FM Table of Allotments. If the application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. section 73.202) to add a new FM channel allotment, petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter-proponent will apply to participate in the auction of the channel allotment requested and specified in this application.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> N/A</p>
14.	<p>Tribal Priority - Threshold Qualifications. Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window? An Applicant answering "Yes" must provide an Exhibit demonstrating that it would have been qualified to add the allotment for which it is applying using the Tribal Priority.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p><input type="radio"/> N/A</p> <p>[Exhibit 12]</p>

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing DONALD SHALIFOE, SR.	Typed or Printed Title of Person Signing OGIMAA (CHAIRMAN)
Signature	Date 4/23/2014

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III-B - FM Engineering		
TECHNICAL SPECIFICATIONS		
Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.		
TECH BOX		
1.	Channel Number: 293	
2.	Class (select one): <input type="radio"/> A <input type="radio"/> B1 <input type="radio"/> B <input type="radio"/> C3 <input type="radio"/> C2 <input checked="" type="radio"/> C1 <input type="radio"/> C0 <input type="radio"/> C <input type="radio"/> D	
3.	Antenna Location Coordinates: (NAD 27) Latitude: Degrees 47 Minutes 6 Seconds 3 <input checked="" type="radio"/> North <input type="radio"/> South Longitude: Degrees 88 Minutes 33 Seconds 55 <input checked="" type="radio"/> West <input type="radio"/> East	
4.	Proposed Allotment or Assignment Coordinates: (NAD 27) <input type="checkbox"/> Not Applicable Latitude: Degrees 47 Minutes 6 Seconds 3 <input checked="" type="radio"/> North <input type="radio"/> South Longitude: Degrees 88 Minutes 33 Seconds 55 <input checked="" type="radio"/> West <input type="radio"/> East	
5.	Antenna Structure Registration Number: 1037312 <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/> Notification filed with FAA	
6.	Overall Tower Height Above Ground Level:	152.4meters
7.	Height of Radiation Center Above Mean Sea Level:	438 meters(H) 438 meters(V)
8.	Height of Radiation Center Above Ground Level:	133meters(H) 133meters(V)
9.	Height of Radiation Center Above Average Terrain:	176meters(H) 176meters(V)
10.	Effective Radiated Power:	100 kW(H) 100 kW(V)
11.	Maximum Effective Radiated Power: <input checked="" type="checkbox"/> Not Applicable (Beam-Tilt Antenna ONLY)	kW(H) kW(V)
12.	Directional Antenna Relative Field Values: <input type="checkbox"/> Not applicable (Nondirectional) Rotation (Degrees): <input checked="" type="checkbox"/> No Rotation	

Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
0	1	10	1	20	1	30	1	40	1	50	1
60	1	70	1	80	1	90	1	100	1	110	1
120	1	130	1	140	1	150	1	160	1	170	1
180	1	190	1	200	1	210	1	220	1	230	1
240	1	250	1	260	1	270	1	280	1	290	1
300	0.8	310	0.65	320	0.8	330	1	340	1	350	1
Additional Azimuths											

Relative Field Polar Plot

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

AUXILIARY ANTENNA APPLICANTS ARE NOT REQUIRED TO RESPOND TO ITEMS 13-16. PROCEED TO ITEM 17.

13.	Availability of Channels. The proposed facility complies with the allotment requirements of 47 C.F.R. Section 73.203.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 27]
14.	Community Coverage. The proposed facility complies with 47 C.F.R. Section 73.315.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 28]
15.	Main Studio Location. The proposed main studio location complies with 47 C.F.R. Section 73.1125.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 29]
16.	Interference. The proposed facility complies with all of the following applicable rule sections: Check all those that apply: Separation Requirements. <input checked="" type="checkbox"/> a) 47 C.F.R. Section 73.207 Grandfathered Short-Spaced. <input type="checkbox"/> b) 47 C.F.R. Section 73.213(a) with respect to station(s): [Exhibit 31] Exhibit required <input type="checkbox"/> c) 47 C.F.R. Section 73.213(b) with respect to station(s): [Exhibit 32] Exhibit required <input type="checkbox"/> d) 47 C.F.R. Section 73.213(c) with respect to station(s): [Exhibit 33] Exhibit required. Contour Protection <input type="checkbox"/> e) 47 C.F.R. Section 73.215 with respect to station(s): [Exhibit 34] Exhibit required.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 30]

17.	Environmental Protection Act. The proposed facility is excluded from environmental processing under 47. C.F.R. Section 1.1306 (i.e., The facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an Exhibit is required. By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.	<input type="radio"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 35]
18.	Community of License Change - Section 307(b). If the application is being submitted to change the facility's community of license, then the applicant certifies that it has attached an exhibit containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of station assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b)). An exhibit is required unless this question is not applicable.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A [Exhibit 36]
PREPARERS CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.		

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name JUSTIN W. ASHER		Relationship to Applicant (e.g., Consulting Engineer) CONSULTING ENGINEER	
Signature		Date 4/4/2014	
Mailing Address MUNN-REESE, INC. PO BOX 220, 385 AIRPORT DRIVE			
City COLDWATER	State or Country (if foreign address) MI	Zip Code 49036 -0220	
Telephone Number (include area code) 5172787339	E-Mail Address (if available) JUSTIN@MUNN-REESE.COM		

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 2

Description: DESCRIPTION OF APPLICANT

APPLICANT, THE KEWEENAW BAY INDIAN COMMUNITY ('KBIC') IS A NON-STOCK ORGANIZATION GOVERNED BY A 12-MEMBER TRIBAL COUNCIL. THE TRIBAL COUNCIL IS SELF-APPOINTING, WITH EXISTING MEMBERS NOMINATING AND ELECTING NEW MEMBERS ANNUALLY. EACH TRIBAL COUNCIL

MEMBER IS ELECTED TO A THREE-YEAR TERM, AND HAS AN EQUAL 8.33% VOTING INTEREST. THE CURRENT MEMBERS OF THE TRIBAL COUNCIL ARE LISTED IN RESPONSE TO SECTION II, QUESTION 2(A).

Attachment 2

Exhibit 3

Description: OTHER INTERESTS

APPLICATION IS ALSO THE LICENSEE OF THE FOLLOWING STATIONS:

WCUP(FM), L'ANSE, MICHIGAN (FACILITY ID NO. 36092)
WGLI(FM), HANCOCK, MICHIGAN (FACILITY ID NO. 81328)

Attachment 3

Exhibit 5

Description: MULTIPLE OWNERSHIP RULE COMPLIANCE

AFTER LICENSING OF THE STATION PROPOSED IN THIS APPLICATION, APPLICANT WILL HOLD INTERESTS IN THREE STATIONS IN THE MARKET, INCLUDING WCUP(FM), WGLI(FM), AND THE PROPOSED STATION. NONE OF THESE STATIONS ARE OR WILL BE LICENSED WITHIN OR HOME TO AN ARBITRON MARKET. AS SHOWN IN THE ATTACHED ENGINEERING STUDY, THERE WILL BE AT LEAST FOUR ADDITIONAL STATIONS IN WHICH APPLICANT HOLDS NO ATTRIBUTABLE INTEREST IN THE MARKET. ACCORDINGLY, APPLICANT'S OWNERSHIP OF THE STATION PROPOSED IN THIS APPLICATION WILL COMPLY WITH SECTION 73.3555(A)(1)(IV) OF THE COMMISSION'S RADIO MULTIPLE OWNERSHIP RULE.

Attachment 5

Description
Engineering Exhibit

Exhibit 12

Description: TRIBAL PRIORITY

CONCURRENT WITH THE FILING OF THIS APPLICATION, APPLICANT IS SUBMITTING A PETITION FOR RULEMAKING TO AMEND THE FM TABLE OF ALLOTMENTS TO ADD A NEW FM CHANNEL ALLOTMENT PURSUANT TO THE TRIBAL PRIORITY. A COPY OF THAT PETITION, SETTING FORTH APPLICANT'S QUALIFICATIONS FOR THE TRIBAL PRIORITY, IS ATTACHED.

Attachment 12

Description
Petition for Rulemaking

Exhibit 27

Description: SEE DISCUSSION IN THIS EXHIBIT

THE APPLICANT WOULD LIKE TO NOTE THAT THE FORM 301-FM OPERATIONAL SITE WILL ALSO SERVE AS THE CITY OF LICENSE CHANGE & TRIBAL RESERVATION SPECIAL ALLOTMENT REFERENCE POINT. SPECIAL ALLOTMENT REFERENCE POINT SHOWINGS HAVE BEEN INCORPORATED INTO EXHIBIT(S) 27.5 AND EXHIBIT(S) 30.1.

THE APPLICANT WOULD LIKE TO NOTE THE USE OF THE NED 03 SEC TERRAIN DATABASE FOR ALL ALLOCATION, CONTOUR AND HAAT CALCULATIONS CONTAINED HERE-IN.

Attachment 27

Description
Discussion of Engineering Exhibit(s)
Exhibit(s) 27.1 to 27.5

Exhibit 30

Description: SEE DISCUSSION IN EXHIBIT 27

THE APPLICANT WOULD LIKE TO NOTE AN INTERNATIONAL SHORT-SPACING REQUEST TOWARD ALLO293C - THUNDER BAY, ONTARIO, CANADA. FULL PROTECTION WILL BE AFFORDED ALLO293C AS THE CALCULATED INTERFERENCE AREA WILL NOT REACH CANADIAN SOIL AS NOTED IN EXHIBIT 30.2. A DIRECTIONAL ANTENNA WILL BE EMPLOYED TO MAINTAIN THIS PROTECTION. A COPY OF THE PROPOSED DIRECTIONAL ANTENNA PATTERN HAS BEEN INCLUDED IN EXHIBIT 30.3.

Attachment 30

Description
Exhibit(s) 30.1 to 30.3

Exhibit 35

Description: ENVIRONMENTAL COMPLIANCE

APPLICANT CERTIFIES RF COMPLIANCE WITH THE ATTACHED STUDY.

REGARDING COMPLIANCE WITH THE NEPA, THE NATIONWIDE PROGRAMMATIC AGREEMENT ('NPA') AND SECTION 106 OF THE NHPA, THE APPLICANT HAS RETAINED A CONSULTANT TO PREPARE THE NECESSARY STUDIES AND TO CONDUCT THE CONSULTATIONS THE NPA REQUIRES WITH THE STATE HISTORICAL PRESERVATION OFFICE AND INTERESTED INDIAN TRIBES IDENTIFIED THROUGH THE COMMISSIONS TOWER CONSTRUCTION NOTIFICATION SYSTEM.

NO CONSTRUCTION WILL COMMENCE UNTIL THE NPA PROCESS HAS BEEN SUCCESSFULLY COMPLETED.

Attachment 35

Description
Exhibit(s) 35.1

Exhibit 36

Description: SECTION 307(B) DOCUMENTATION

THIS ORIGINAL FORM 301-FM FILING FOR A PETITION FOR A RULEMAKING FOR A NEW FM STATION (NEW-293C1 - BARAGA, MI) AND SECTION 307(B) TRIBAL PRIORITY RESERVATION PREFERENCE HAS BEEN MADE PURSUANT TO THE POLICIES TO PROMOTE RURAL RADIO SERVICE AND TO STREAMLINE ALLOTMENT AND ASSIGNMENT PROCEDURES, THIRD REPORT AND ORDER, 26 FCC RCD 17642 (2011). THE PROPOSED NEW-293C1 - BARAGA, MI FACILITY MAY BE RESERVED FOR USE BY THE KEWEENAW BAY INDIAN COMMUNITY UNDER THE REVISED PREFERENCE PROVISIONS OF SECTION 307(B). BARAGA, MI IS LOCATED INSIDE OF THE L'ANSE, MI, AMERICAN INDIAN RESERVATION LAND PRESENTLY ENTRUSTED TO THE KEWEENAW BAY INDIAN COMMUNITY.

A MAP OF THE PROPOSED 70 DBU F(70:50) COMMUNITY COVERAGE OF THE TRIBAL LAND AREA HAS BEEN INCLUDED HERE-IN.

INFORMATION CONCERNING THE REMAINING TRIBAL RESERVATION PREFERENCE CRITERIA HAS BEEN ADDRESSED IN A SEPARATE SHOWING PREPARED BY THE APPLICANT'S LEGAL REPRESENTATIVE.

Attachment 36

Description
L'anse Federal Indian Land Tribal Reservation Map.pdf

MULTIPLE SERVICES STUDY

Keweenaw Bay Indian Community

**Associated with the
Allotment and Tribal
Reservation of New Facility**

**NEW-293C1(FM) (106.5 MHz)
Baraga, MI
(Proposed Rulemaking)**

Interim Contour Methodology

April 2014

CERTIFICATION OF ENGINEERS

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 385 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of the laws of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

April 15, 2014

MUNN-REESE, INC.

By Wayne S. Reese
Wayne S. Reese, President

385 Airport Drive, PO Box 220
Coldwater, Michigan 49036

Telephone: 517-278-7339

By Justin W. Asher
Justin W. Asher, Project Engineer

MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

Engineering Statement

This firm was retained to determine the number of commercial and non-commercial principal community contours associated with this Proposed Rulemaking for NEW-293C1(FM) – Baraga, MI (Facility ID: pending). NEW-293C1(FM) – Baraga, MI will be reserved for Tribal use by the Keweenaw Bay Indian Community. This proposed Rulemaking and Tribal Reservation for NEW-293C1(FM) – Baraga, MI is subject to analysis under the *Interim Contour-overlap Methodology* as this new facility does not appear in any Arbitron Market as reported by BIA, nor does the community of license, Baraga, MI reside within any Arbitron Market boundary.

The Keweenaw Bay Indian Community presently holds broadcast interests in two (2) other aural services. These holdings will be addressed here-in. There is one (1) unique and distinct market which will result within this affected ownership group. "Market A" is comprised of three (3) stations: WCUP(FM) – L'anse, MI; WGLI(FM) – Hancock, MI; and this proposed Rulemaking for NEW-293C1(FM) – Baraga, MI. As stated before, *Interim Contour-overlap Methodology* studies for "Market A" have been supplied here-in.

The existing facilities of the stations included in this report were determined by the use of currently updated copies of the FCC computer databases of AM and FM stations. The listed facilities served as the basis for the computation of the respective principal community contours. The accuracy of the results of this study is understood to be limited to the accuracy of these databases. The FCC databases give no indication of licensed facilities that may be inoperative, construction permit facilities that may now be operating under program test authority (but have not yet been issued a license) or facilities which may have been licensed since the last update. Therefore, some stations may have been included or excluded erroneously. However, unless otherwise indicated, all licensed facilities known to be inoperative and all known applications and construction permit facilities, have been eliminated from consideration in this study.

For AM stations, Map M-3 soil conductivity values and the authorized licensed transmitting facilities served as the basis for the computation of the predicted 5.0 mV/m groundwave contour in accordance with §73.183 of the FCC Rules. The distance to the contour was computed for seventy-two (72) equally spaced azimuths beginning with 0° True. For FM stations, the authorized Center of Radiation and ERP values were utilized to compute the predicted 3.16 mV/m (70 dBu) contour as provided in §73.313 of the Rules. The predicted FM contours shown in this report are based on the use of 72 equally spaced terrain radials beginning with 0° True.

As stated before, there will be one (1) unique and distinct market associated with this modification. The market has been defined, in accordance with §73.3555 of the FCC Rules, as the area within the total perimeter formed by the combined principal community contours of WCUP(FM), WGLI(FM) and NEW-293C1(FM).

Engineering Statement (continued)

Exhibit 1.0 shows the three (3) stations under common control or proposed to be under common control which are relevant for this ownership group. As stated before, no other Keweenaw Bay Indian Community holdings are relevant for this modification. To aid in identifying the respective contours, current AM contours have been shown with solid pink lines, while current FM contours have been shown with solid blue lines. The facility to be modified has been shown in a dashed green line. The "Market A" common overlap areas have been designated as well.

For "Market A", the market defining contours have been shown in **Exhibit 2.0** of this report along with a minimum number of principal community contours entering the market. The defining contours have been shown with green lines on this map. AM contours entering the market have been denoted in light orange lines. FM contour entering the market have been shown in light purple lines. As stated before, the contours shown only represent enough stations to satisfy the minimum requirement of the Rules. Co-owned stations entering the market, but not defining the market have been omitted. A complete tabulation of stations entering "Market A" will be supplied upon request.

Under the current rules, the market falls at least within the minimum limitations set forth in §73.3555 (a)(1)(iv): ***In a radio market with 14 or fewer full-power, commercial and noncommercial radio stations, not more than 5 commercial radio stations in total and not more than 3 commercial stations in the same service (AM or FM); provided, however, that no person or single entity (or entities under common control) may have a cognizable interest in more than 50% of the full-power, commercial and noncommercial radio stations in such market unless the combination of stations comprises not more than one AM and one FM station.*** The principal community contours of at least six (6) other stations entering the market are shown in **Exhibit 2.0**. Including the three (3) FM station(s) which define the market there are at least nine (9) aural services in this market. This represents no more than 33.3% of the market as shown. **Exhibit 2.1** lists the facilities of the individual stations used in this report.